



EXPRESS MAIL NO. EL 477 034 094 US

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Day
6/18/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

New Non-provisional
Application of: AL-KURAN et al.

Deposited with the U.S. Postal Service using
"Express Mail Post Office to Addressee" service: August 22, 2001

For: MICROWAVE DC TO DC CONVERTER

Attorney Docket No.: 7174-0134-999

RECEIVED

MAR 06 2002

OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. § 1.10(e) TO ACCORD
U.S.P.S. DEPOSIT DATE AS FILING DATE**

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

On August 22, 2001, in accordance with the Rules of Practice for filing correspondence by "Express Mail" (37 C.F.R. § 1.10(a)), Applicants deposited a non-provisional utility patent application and related documents (hereinafter, "the deposited correspondence") with the United States Postal Service (USPS). Applicants used the USPS "Express Mail Post Office to Addressee" service and paid sufficient postage therefor. The Express Mail Label No. was EL501641256US.

The deposited correspondence, a true copy of which is attached as Exhibit A hereto, consisted of 27 pages not including a return-receipt postcard. Specifically, the contents of the deposited correspondence were as follows:

- 1) Return-receipt postcard itemizing the correspondence contents;
- 2) Utility Patent Application Transmittal sheet (1 page);
- 3) Patent Application Fee Value sheet, in duplicate (2 pages);

BEST AVAILABLE COPY

- 4) Non-provisional Utility Patent Application entitled "MICROWAVE DC TO DC CONVERTER" (17 pages), broken down as follows:
 - i) specification, including claims and abstract (13 pages), and
 - ii) drawings (4 pages),
- 5) Declaration (2 pages);
- 6) Recordation Form Cover Sheet, in duplicate (2 pages);
- 7) Assignment (1 page); and
- 8) Unexecuted Power of Attorney by Assignee (2 pages).

It has recently come to the attention of Attorneys for Applicants that the United States Patent and Trademark Office ("USPTO") has no record of receipt for the deposited correspondence. As a result, Applicants hereby petition the Commissioner under 37 C.F.R. § 1.10(e) to consider the deposited correspondence to have been filed in the United States Patent and Trademark Office on the U.S.P.S. deposit date of August 22, 2001. The facts in support of this petition are provided below.

1. This petition is being filed promptly in accordance with 37 C.F.R. § 1.10(e)(1)

Attorneys for Applicants recently became aware that the USPTO had no evidence of the filing of the deposited correspondence. The Express Mail package deposited by Attorneys for Applicants on August 22, 2001 included several other sets of correspondence, some in connection with newly filed application and others relating to already pending applications. Through diligence, Attorneys for Applicants recently became aware that no return-receipt postcards for correspondence deposited by Attorneys in their August 22, 2001 New York Express Mail had been returned by the USPTO. Upon this discovery, Attorneys for Applicants contacted the USPTO to inquire whether the Office had a record of any of the correspondence deposited on that date. A representative of the USPTO only recently confirmed with Attorneys for Applicants that the Office had no evidence of receipt of the deposited correspondence nor of any of the other correspondence in the same Express Mail package.

This petition is therefore being filed promptly after Attorneys for Applicants became aware that the Office had no evidence of receipt of the deposited correspondence, in accordance with 37 C.F.R. § 1.10(e)(1).

2. The Express Mail mailing label no. EL501641256US was placed on the deposited correspondence in accordance with 37 C.F.R. § 1.10(e)(2)

As demonstrated by the true copy of the deposited correspondence attached as Exhibit A, the Utility Patent Application Transmittal sheet, the Patent Application Fee Value sheet, and the Recordation Form Cover sheet all included the Express Mail Label No. EL501641256US at the top right hand corners of those sheets. As a result, the Express Mail Label No. EL501641256US was placed on the deposited correspondence prior to it being deposited with the USPS in accordance with 37 C.F.R. § 1.10(e)(2).

3. The necessary supporting documentation is attached to this petition in accordance with 37 C.F.R. § 1.10(e)(3)

As indicated above, a true copy of the deposited correspondence is attached as Exhibit A hereto and demonstrates that the deposited correspondence showed the relevant Express Mail Label No. EL501641256US. In addition, in accordance with 37 C.F.R. § 1.10(e)(3), a true copy of the Post Office to Addressee Express Mail mailing label No. EL501641256US is attached hereto as Exhibit B. In the Date In box, the Express Mail mailing label clearly shows the "date in" as being the requested filing date of August 22, 2001. The Express Mail mailing label also bears a USPS stamp verifying August 22, 2001 as the date of deposit with the USPS. The mailing label additionally indicates that the sender is Attorneys for Applicants, Pennie & Edmonds LLP, 1155 Avenue of the Americas, New York, NY 10036; that the recipient is the Assistant Commissioner for Patents, Washington DC, 20231; and that sufficient postage of \$30.45 was paid.

Furthermore, Applicants attach as Exhibit C hereto, a true copy of a print-out obtained from the USPS Web site providing the delivery status, tracking, and confirmation information corresponding to Express Mail Label No. EL501641256US. As shown in Exhibit C, this information confirms that the Express Mail package corresponding to Express Mail

Label No. EL501641256US was delivered at 10:58 am on August 23, 2001 and was signed for by "R Davis."

Applicants further advise that the return-receipt postcard included in the deposited correspondence has not, to date, been returned to Attorneys for Applicants.

4. Statements regarding original deposit of correspondence and copies of supporting documentation in accordance with 37 C.F.R. § 1.10(e)(4)

A true copy of the Express Mail Certification dated August 22, 2001 and signed by an employee of Attorney for Applicants, Anthony Ali Asmath, is attached hereto as Exhibit D. The Express Mail Certification indicates that the deposited correspondence corresponding to the attorney name Cargille and attorney docket no. 7174-134 in the 13th table entry of that document, was inserted into the Express Mail package corresponding to the Express Mail No. EL501641256US, and that this package was deposited with the USPS Express Mail Post Office to Addressee Service on August 22, 2001. Information regarding attorney name and attorney docket number for other applications has been redacted to preserve the confidentiality of that information in the remaining table entries of the Express Mail Certification.

Finally, as already indicated, the copies of the deposited correspondence in Exhibit A, the Post Office to Addressee Express Mail mailing label No. EL501641256US in Exhibit B, the USPS Web site print-out showing delivery status, tracking, and confirmation information for mailing label No. EL501641256US in Exhibit C, and the Express Mail Certification in Exhibit D are all true copies of the respective original documents.

REMARKS

Accordingly, Applicants respectfully submit that all of the requirements of 37 C.F.R. §§ 1.10(a) and (e) have been fully met and complied with, and that therefore the deposited correspondence in Exhibit A—including the non-provisional utility application contained therein—should be accorded a filing date of August 22, 2001, the date of deposit of that correspondence as Express Mail with the USPS. It is believed that no fee is required in connection with this petition. However, should the Patent Office determine otherwise, please charge the necessary fee to Pennie & Edmonds LLP deposit account no. 16-1150.

Respectfully submitted,

Date February 8, 2002



By: David L. Cargille (Reg. No. 46,600)

For: Barry D. Rein (Reg. No. 28,411)

PENNIE & EDMONDS LLP

1155 Avenue of the Americas

New York, New York 10036-2711

(212) 790-9090

Enclosures



EXHIBIT A

Correspondence deposited on August 22, 2001 with the USPS "Express Mail Post Office to Addressee" service corresponding to Express Mail Label No. EL501641256US and including:

- 1) Return-receipt postcard itemizing the correspondence contents;
- 2) Utility Patent Application Transmittal sheet (1 page);
- 3) Patent Application Fee Value sheet, in duplicate (2 pages);
- 4) Non-provisional Utility Patent Application entitled "MICROWAVE DC TO DC CONVERTER" (17 pages), broken down as follows:
 - i) specification, including claims and abstract (13 pages), and
 - ii) drawings (4 pages),
- 5) Declaration (2 pages);
- 6) Recordation Form Cover Sheet, in duplicate (2 pages);
- 7) Assignment (1 page); and
- 8) Unexecuted Power of Attorney by Assignee (2 pages).

Express Mail No. EL 501 641 256 US

Date Mailed: August 22, 2001

First Class Mail ()

Serial No.: To be Assigned

Filed: August 22, 2001

Inventor: AL-KURAN et al.

FOR: MICROWAVE DC TO DC CONVERTER

- Utility Patent Application Transmittal
- Application Fee Transmittal Form (in duplicate)
- Utility Patent Application (13 pages; 15 claims)
- Figures (4 sheets)
- Power of Attorney by Assignee (Unexecuted)
- Assignment (Executed)
- Recordation Form Cover Sheet (in duplicate)
- Declaration (Executed)

OTHER:

File No. 7174-134-999

Sender: D. Cargille

EXHIBIT B

Express Mail mailing label No. EL501641256US

POST OFFICE TO ADDRESSEE



EL501641256US

EL501641256US

SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND LIMITS
ON INSURANCE COVERAGE

Customer Copy
Label 11-F July 1997

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| ORIGIN (POSTAL USE ONLY) | | |
| PD ZIP Code 16011 | Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second | Flat Rate Envelope <input type="checkbox"/> |
| Date In Mo. 8 Day 22 Year 1 | <input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM | Postage \$ 30.45 |
| Time In Mo. 8 Day 22 Year 1 | Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day | Return Receipt Fee |
| Weight 10.5 lbs. 7 ozs. | Int'l Alpha Country Code | COD Fee Insurance Fee |
| No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday | Acceptance Mark Initials | Total Postage & Fees \$ 30.45 |

| | |
|--|---|
| CUSTOMER USE ONLY | |
| METHOD OF PAYMENT: | |
| Express Mail Corporate Acct. No. | <input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery. |
| Federal Agency Acct. No. or Postal Service Acct. No. | NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday |
| Customer Signature | |

| | |
|---|--|
| FROM: (PLEASE PRINT) | TO: (PLEASE PRINT) |
| PHONE () PENNIE & EDMONDS LLP 1155 AVENUE OF THE AMERICAS 17TH FL NEW YORK NY 10036-2711 | PHONE () ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON DC 20231-9999 |

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EXHIBIT C

USPS Web site print-out showing delivery status tracking and confirmation
information for mailing label No. EL501641256US



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Keyword/Search

Delivery Status

You entered EL50 1641 256U S

Your item was delivered at 10:58am on August 23, 2001 in WASHINGTON, DC 20231 to PATENTS 20231. The item was signed for by R DAVIS.

[Shipment History >](#)

[Request Delivery Record >](#)

Track & Confirm

Enter number from shipping receipt in the field below:



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EXHIBIT D

Express Mail Certification of Anthony Ali Asmath dated August 22, 2001

EL 501 641 256 US

DATE: 8/22/01

THE EXPRESS MAIL NUMBER OF THE DAY IS: EL 501 641 256 US

THE PERSON TAKING EXPRESS MAIL
TO THE POST OFFICE IS: ANTHONY ASMATH

EXPRESS MAIL CERTIFICATION

"Express Mail" label No. EL 501 641 256 US Date of Deposit
8/22/01 I hereby certify that the below-listed papers or fees
were inserted into a package that was addressed to the
Assistant
Commissioner For Patents, Washington, D.C. 20231 and was
deposited by me with the United States Postal Service "Express
Mail Post Office Addressee" service under 37 C.F.R. 1.10 on
the date indicated above.

Signature

Anthony Ali

Date: 8-22-01

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|----------|-----------------------|---|--|--|
| CARGILLE | 7174-134 <i>WA</i> | UTILITY PATENT APPLN TRANSMITTAL COVER SHEET, FEE CALCULATION SHEET WITH DUPLICATE, DECLARATION AND POWER OF ATTORNEY, RECORDATION FORM COVER SHEET TRANSMITTAL WITH ASSIGNMENT, APPLN 13 PGS 15 CLMS 4 SHEETS OF DRAWINGS | | |
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